From: Chad Hurley <chad@youtube.com>
Sent: Saturday, September 3, 2005 11:09 PM
To: Steve Chen <steve@youtube.com>
Cc: Jawed <[redacted]>
Subject: Re: copyrighted material!!!

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lets just work in that flagging feature soon... then we won't be liable.

On Sep 3, 2005, at 2:02 AM, Steve Chen wrote:

> yes, then i agree with you. take down whole movies. take down
> entire TV shows. take down XXX stuff.
>
> everything else keep including sports, commercials, news, etc.
>
> keeping it, we improve video uploads, videos viewed, and user
> registrations. by removing it, we may taint our reputation, but,
> where else are these people going to go to upload personal videos?
>
> -s
>
> On Sep 3, 2005, at 2:00 AM, Jawed wrote:
>
>
>> my suggested policy is really lax though. all I'm saying is: take
>> down
>> whole movies. we dont get many of those. and we SHOULD take down
>> entire TV
>> shows, like an entire family guy episode.
>>
>> we've also been taking down clips of TV shows, like family guy... we
>> should probably continue doing that, otherwise youtube will just
>> look like
>> a dumping ground for copyrighted stuff. if we keep that policy, I
>> don't
>> think our views will decrease at all.
>>
>> XXX stuff we should never allow. at least, not until we have a way to
>> separate it via tagging as "R-rated".
>>
>> Jawed
>>
>> _____
>> http://www.jawed.com/
>>
>>
>>
>> On Sat, 3 Sep 2005, Steve Chen wrote:
>>
>>
>>
>>> ya, i know that if remove all that content. we go from 100,000
>>> views
>>> a day down to about 20,000 views or maybe even lower.
>>>
>>> the copyright infringement stuff. i mean, we can presumably claim

DATE: 4-22-09 EXHIBIT# 5
DEPONENT: HURLEY, C.

CASE: Viacom, et al., v. YouTube, et al., The Football Association Premier League, et al., v. YouTube, et al., Case Nos. 07-CV-2203 and 07-CV-3582
A. Ignacio Howard, CLR, RPR, CSR No. 9830

>>> that we don't know who owns the rights to that video and by
>>> uploading, the user is claiming they own that video. we're
>>> protected
>>> by DMCA for that. we'll take it down if we get a "cease and
>>> desist".
>>>
>>> what i mean is, potentially, any of this content could be the user's
>>> videos. maybe it's david sacks uploading a clip/preview of some
>>> movie.
>>>
>>> why don't we just remove the XXX stuff for now?
>>>
>>> -s
>>>
>>> On Sep 3, 2005, at 1:53 AM, Jawed wrote:
>>>
>>>
>>>
>>>> well I'd just remove the obviously copyright infringing stuff.
>>>>
>>>> movies and tv shows, I'd get rid of. we are not a glorified
>>>> putfile,
>>>> right?
>>>>
>>>> none of the most favorite videos are movies or tv shows. we're ok
>>>> cracking
>>>> down on this content. we'll leave music videos, news clips, and
>>>> clips of
>>>> comdey shows for now.
>>>>
>>>> I think thats a pretty good policy for now, no?
>>>>
>>>> Jawed
>>>>
>>>> _____
>>>> http://www.jawed.com/
>>>>
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>>>>
>>>> On Sat, 3 Sep 2005, Steve Chen wrote:
>>>>
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>>>>
>>>>> i'm thinking it's still okay.
>>>>>
>>>>> what's the difference between big-boys/stupidvideos vs youtube?
>>>>> isn't it the community and user aspect?
>>>>>
>>>>> if you look at the top videos on the site, it's all from this
>>>>> type of
>>>>> content. in a way, if you remove the potential copyright
>>>>> infringements, wouldn't you still say these are still "personal"
>>>>> videos?
>>>>>
>>>>> if you define "personal" videos to be videos on your personal hard
>>>>> drive that you want to upload and share with people?
>>>>>
>>>>> anyway, if we do remove that stuff, site traffic and virality will
>>>>> drop to maybe 20% of what it is. i think, as people hear about
>>>>> the

>>>>> site, a good amount of the materials on the site is still
>>>>> personal --
>>>>> they'll start recognizing that it's a place to share their own
>>>>> personal videos.
>>>>>
>>>>> i'd hate to prematurely attack a problem and end up just losing
>>>>> growth due to it.
>>>>>
>>>>> also, doesn't the DMCA cover us from a lot of this, as the guy
>>>>> said?
>>>>>
>>>>> -s
>>>>>
>>>>> On Sep 3, 2005, at 12:22 AM, Chad Hurley wrote:
>>>>>
>>>>>
>>>>>
>>>>>
>>>>>> aaahhhhh, the site is starting to get out of control with
>>>>>> copyrighted material... we are becoming another big-boys or
>>>>>> stupidvideos. if you came to the site now, that is what you would
>>>>>> think the site is all about.... just look at the recent videos in
>>>>>> the admin tool.
>>>>>>
>>>>>> i think we may need to start enforcing the restrictions soon and
>>>>>> implement the flagging feature.
>>>>>>
>>>>>> -chad
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